22 pp

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MT LEGISLATIVE HISTORY

Chapter 172 1985

Bill H 547 S _____ Original bill & hist. ✓C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Feb 07	✓C	Hearing Date(s) Mar 11	✓C
Feb 08	✓C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 08	✓C	Mar 11	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HOUSE BILL NO. 547

INTRODUCED BY MILES, KEENAN, RAPP-SVRCEK, BRADLEY, SPAETH, HALLIGAN, REGAN

IN THE HOUSE

January 29, 1985	Introduced and referred to Committee on Judiciary.
February 8, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 9, 1985	Second reading, do pass.
February 11, 1985	Considered correctly engrossed.
February 12, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Judiciary.
March 11, 1985	Committee recommend bill be concurred in. Report adopted.
March 13, 1985	Second reading, concurred in.
March 15, 1985	Third reading, concurred in. Ayes, 48; Noes, 0.
	Returned to House.

IN THE HOUSE

March 16, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 520	1/28/85	2/11/85 2/23/85	2/23/85			2/23/85			
HB 521	1/28/85	2/1/85	2/20/85		2/1/85				
HB 522	1/28/85	2/8/85 2/14/85	2/14/85			2/14/85			
HB 529	1/28/85	2/11/85 2/22/85	2/22/85			2/22/85			
HB 528	1/28/85	2/8/85 2/16/85	2/16/85		2/16/85				
HB 531	1/29/85	2/6/85 2/8/85	2/8/85			2/8/85			
HB 532	1/29/85	2/6/85 2/8/85	2/8/85	2/8/85					
HB 533	1/29/85	2/12/85 2/20/85	2/23/85		2/20/85	AS AMENDED			
HB 536	1/29/85	2/12/85 2/20/85	2/23/85		2/20/85	Re-referred back to Comm. 2-27			
HB 541	1/29/85	2/15/85 2/16/85	2/16/85	2/16/85					
HB 547	1/29/85	2/7/85 2/8/85	2/8/85	2/8/85					
HB 557	1/29/85	2/13/85	2/13/85			2/13/85			
HB 566	1/30/85	2/8/85 2/13/85	2/13/85	(WITHOUT RECOMMENDATION AS AMENDED)					
HB 575	1/30/85	2/8/85 2/11/85	2/11/85			2/11/85			
HB 577	1/31/85	2/15/85 2/16/85	2/16/85			2/16/85			
HB 585	1/31/85	2/15/85 2/16/85	2/16/85	2/16/85					

[illegible]

HOUSE BILL NO. 547

INTRODUCED BY Miles Kennon Lloyd Smith Bradley Spaeth Hollyn-Fagg

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE PROHIBITION AGAINST THE ADMISSIBILITY OF EVIDENCE OF A VICTIM'S SEXUAL PAST IN CASES OF SEXUAL INTERCOURSE WITHOUT CONSENT TO ALL SEXUAL CRIMES; ALLOWING THE IMPOSITION OF BOTH JAIL TIME AND A FINE AFTER A CONVICTION OF SEXUAL ASSAULT; AMENDING SECTIONS 45-5-502, 45-5-503, AND 45-5-511, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-502, MCA, is amended to read:

"45-5-502. Sexual assault. (1) A person who knowingly subjects another not his spouse to any sexual contact without consent commits the offense of sexual assault.

(2) A person convicted of sexual assault shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, he shall be imprisoned in the state prison for any term not to exceed 20 years and may be fined not more than $50,000.

(4) An act "in the course of committing sexual assault" shall include an attempt to commit the offense or flight after the attempt or commission.

(5) Consent is ineffective under this section if the victim is less than 14 years old and the offender is 3 or more years older than the victim."

Section 2. Section 45-5-503, MCA, is amended to read:

"45-5-503. Sexual intercourse without consent. (1) A person who knowingly has sexual intercourse without consent with a person of the opposite sex not his spouse commits the offense of sexual intercourse without consent.

(2) A person convicted of sexual intercourse without consent shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than $50,000, except as provided in 46-18-222.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, he shall be imprisoned in the state prison for any term of not less than 2 years or more than 40 years and may be fined not more than $50,000, except as provided in 46-18-222.

(4) An act "in the course of committing sexual intercourse without consent" shall include an attempt to

commit the offense or flight after the attempt or commission.

~~(5)--No-evidence-concerning-the-sexual-conduct--of--the victim--is--admissible--in--prosecutions-under-this-section, except:~~

~~(a)--evidence-of-the-victim's-past-sexual-conduct--with the-offender;~~

~~(b)--evidence--of--specific--instances--of-the-victim's sexual-activity-to-show-the-origin-of-semen,--pregnancy,--or disease--which--is--at--issue--in-the-prosecution-under-this section.~~

~~(6)--If-the-defendant-proposes-for-any-purpose-to-offer evidence-described-in-subsection-(5)(a)-or-(5)(b),-the-trial judge-shall-order-a-hearing-out-of-the-presence-of-the--jury to--determine--whether--the--proposed-evidence-is-admissible under-subsection-(5).~~

~~(7)--Evidence-of-failure-to-make-a-timely-complaint--or immediate--outcry--does--not-raise-any-presumption-as-to-the credibility-of-the-victim.~~"

Section 3. Section 45-5-511, MCA, is amended to read:

"45-5-511. Provisions generally applicable to sexual crimes. (1) When criminality depends on the victim being less than 16 years old, it is a defense for the offender to prove that he reasonably believed the child to be above that age. Such belief shall not be deemed reasonable if the child

is less than 14 years old.

(2) Whenever the definition of an offense excludes conduct with a spouse, the exclusion shall be deemed to extend to persons living as husband and wife regardless of the legal status of their relationship. The exclusion shall be inoperative as respects spouses living apart whether under a decree of judicial separation or otherwise. Where the definition of an offense excludes conduct with a spouse, this shall not preclude conviction of a spouse in a sexual act which he or she causes another person, not within the exclusion, to perform.

(3) In a prosecution under the preceding sections on sexual crimes (45-5-502 through 45-5-504) in which the victim's lack of consent is based solely upon his incapacity to consent because he was mentally incapacitated, it is a defense to such prosecution that the victim was a voluntary social companion of the defendant and the intoxicating substance was voluntarily and knowingly taken.

(4) No evidence concerning the sexual conduct of the victim is admissible in prosecutions under this part except:

(a) evidence of the victim's past sexual conduct with the offender;

(b) evidence of specific instances of the victim's sexual activity to show the origin of semen, pregnancy, or disease which is at issue in the prosecution.

(5) If the defendant proposes for any purpose to offer evidence described in subsection (4)(a) or (4)(b), the trial judge shall order a hearing out of the presence of the jury to determine whether the proposed evidence is admissible under subsection (4).

(6) Evidence of failure to make a timely complaint or immediate outcry does not raise any presumption as to the credibility of the victim."

-End-

Pistoria also added that he wanted to do this with the least amount of restriction as possible.

There were other general questions of the committee; however, Chairman Hannah pointed out that due to the limitation of time, all further questions will be handled during executive session.

CONSIDERATION OF HOUSE BILL NO. 619: Rep. Sands, District #90, testified in support of the bill as its sponsor. Rep. Sands stated that this bill was introduced on request of a justice of the peace in his area. The basic purpose of the bill is to say in justice court, before default can be entered, the plaintiff must file a motion that the default be entered. There are two reasons for doing so. The justice of the peace doesn't want to be in the business of taking positive action to resolve cases. If someone hasn't met their time limit and they are in default for not having answered the complaint, it should be the obligation of that party to come in, notify the justice of the peace, and take the appropriate action. The justices of the peace have said that it creates a tremendous administrative burden for them to try to keep track of all these cases and for them to enter the default. Rep. Sands said the other reason why this bill is desirable is that it tracks the kinds of procedures that are used in district court. It would get the justice of the peace court out of the business of managing the caseload.

Jim Jensen, representing the Montana Magistrate's Association, wished to go on record as supporting this bill.

There were no further proponents or opponents, and Rep. Sands closed. Rep. Sands pointed out that the justice of the peace rules of procedure deal with this matter. He said the legislature does not have the authority to amend the rules of procedure. The floor was opened to questions.

In response to a question from Rep. Keyser, Rep. Sands stated that defendants have the recourse to set aside a default action and continue accordingly.

Rep. Eudaily questioned whether this requires rule-making authority on the part of the justice of the peace department in order to implement it into Rule 12. Rep. Sands responded by saying he didn't think so.

There being no further questions, hearing closed on HB 619.

CONSIDERATION OF HOUSE BILL NO. 547: Chief sponsor, Joan Miles, District #45, testified in support of the bill. She said this bill amends Chapter 5 of Title 45 which deals with sexual offenses against a person. The bill makes two changes in this chapter. On page 1, line 19, the new language, "or both" is added. This amends the sexual assault statute to provide for the possibility of a jail term, a

fine or both. Rep. Miles continued by saying the second change takes the language word for word out of the section dealing with sexual intercourse without consent. It is the language that deals with the admissibility of evidence of the victim's past sexual conduct. It is stricken in its entirety to the section that is entitled provisions generally applicable to sexual crimes.

Mike McGrath, county attorney for Lewis and Clark county, testified in support of the bill. Mr. McGrath stated that this is one of six bills that was requested by the Montana County Attorney's Association. Mr. McGrath pointed out that it does allow inquiry into relevant sexual history of the offender. He said this bill will help the county attorneys a great deal with their prosecutions by assuring the victim before the trial starts that inquiry into their history will be very narrow and only relevant to the crime charged with.

Gail Kline, representing the Women's Lobbyist Fund, testified in support of the bill. A copy of her testimony was marked as Exhibit D and attached hereto.

There being no further proponents or opponents, Rep. Miles closed by saying that this is an act to provide consistency in the statutes relating to all sexual crimes.

The floor was opened to questions from the committee.

Rep. Keyser asked if the victim can be cross-examined as to his past sexual history. Mr. McGrath said he could not be.

Rep. Hannah asked what other areas is the language being extended to on pages 4 and 5 of the bill. Mr. McGrath said it covers sexual assualt primarily. It also covers devious sexual behavior. Rep. Hannah asked under those charges now, is the county attorney allowed to question the victim about past sexual history. Mr. McGrath said that some judges allow defense attorneys to do so.

In response to a question from Rep. Mercer, Mr. McGrath said this law has been on the books relative to sexual consent for four years.

There being no further questions, hearing closed on HB 547.

CONSIDERATION OF HOUSE BILL NO. 681: Jan Brown, District #46, appeared and offered testimony in support of this bill. She informed the committee that this bill was requested by the Montana Press Association and is similar to a bill that she sponsored last session that had been requested by the Montana Hospital Association. This act provides generally

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-7-85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449 7917

2/7/85

February 7, 1985

Testimony of the Women's Lobbyist Fund by Gail Kline, before the House Judiciary Committee on HB 547

Mr. Chairman and other members of the Judiciary Committee:

For the record my name is Gail Kline, representing the Women's Lobbyist Fund (WLF), speaking in favor of HB 547.

This bill is in the interest of all Montanans, because sexual crimes cut across all social and economic lines.

Currently, a victim's past may only be excluded in the crime of sexual intercourse without consent. HB 547 extends this existing language to other sexual crimes such as sexual assault and incest.

HB 547 is needed to provide dignity and equal protection for victims of sexual crimes as guarenteed under our state constitution.

The WLF urges you to pass HB 547.

Thank you.

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. 467; 502; 547; 619; ~~664; 656; 681; 186~~ DATE February 7, 1985

SPONSOR _____ (PLEASE STATE THE BILL # INTERESTED IN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Cummins Robert	Helena #502	✓	
Jim Jensen	Magistrates Assn.	619	
Paul J Pestoria. State Rep	Mt. Falls	H.B. 186	
E Jean	Helena		
Jeri Ledge	Helena	✓ HB 186	
Diane Albertson	Helena	HB 186	
Gail Kline (NLF)	~~Helena~~ Mt. Falls	HB 547	
Richard Moulton	Msla	~~HB 681~~	
Mike Meloy	Hln	HB 681	
B. Allistone	Helena	~~HB 619~~	HB 66
K. Gillespie	Helena	HB 502	
Mike McGrath	"	HB 547	
Bonnie Evans. PLC.	Helena	~~HB 502~~	HB 502
Roland D Pratt	Helena		HB 68
Juanita Kajkowski	Deer Lodge, Mt.	HB 467	
Ellen Robbins	Helena		HB 467
Bruce W. Green	Helena		HB 664
Chad Smith	Mont Hosp Assn Helena	HB 681	
David E. Engstrom	Helena		HB 664

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Upon suggestion of Brenda Desmond, committee researcher, Rep. Addy moved the following amendment:

Page 2, line 24.
Following: "law."
Insert: "Any division response to such request may include only the names, addresses, and birth dates of such males and may not include social security numbers."

The title of the bill was also amended to conform with the above language. The motion was seconded by Rep. Hammond and carried 14-3. (See roll call vote.)

Discussion was further had on the DO NOT PASS motion.

Rep. Gould pointed out that 48 other states have passed legislation similar to this. He certainly hates to see Montana become a haven for draft dodgers.

Rep. Rapp-Svrcek said that he is proud to think that Montana is a state that protects the privacy of its individuals.

Rep. Miles also stated her hesitation to pass this bill.

Following further discussion along these lines, the question was called on the DO NOT PASS motion and it carried 12-5.

ACTION ON HOUSE BILL NO. 547: Rep. Darko moved that HB 547 DO PASS. The motion was seconded by Rep. Eudaily and the question called. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 667: Rep. Gould moved that HB 667 DO PASS. The motion was seconded by Rep. O'Hara and discussion followed.

Rep. Miles has a problem with requiring the counties to pay costs out of district court funds.

Rep. Hannah said that the legislature needs to make a definitive statement as to where they would like funds to come from and that the matter of who must pay will be settled in a lawsuit eventually anyway.

The question was called on the DO PASS motion, and it carried unanimously.

ACTION ON HOUSE BILL NO. 681: Rep. Montayne moved that HB 681 DO NOT PASS. Rep. O'Hara moved a substitute motion that HB 681 DO PASS. The motion was seconded by Rep. Miles and discussion followed.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/8/85

NAME	PRESENT	ABSENT	EXCUSE
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady			✓
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek			✓

STANDING COMMITTEE REPORT

February 2 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 547

FIRST reading copy (WHITE color)

REVISION OF LAW ON CERTAIN SEXUAL CRIMES

Respectfully report as follows: That HOUSE Bill No. 547

DO PASS

CHAIRMAN--MAZUREK, JOE
SECRETARY-STALEY, CINDY
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0520	3/05	3/25		CONCUR		3/28
GRADY, EDWARD J.			CLARIFYING PUBLIC DOES NOT HAVE RIGHT TO USE DIVERTED WATER FOR RECREATION			
HB0522	2/21	3/07		CONCUR AS AMENDED		3/7
PECK, RAY			PROVIDING NOTICE TO CLAIMANTS OF CERTAIN PROPERTY SUBJECT TO FORFEITURE			
HB0529	3/05	3/18		CONCUR		3/22
ADDY, KELLY			WORKERS' COMP. REMEDIES WHEN EMPLOYER IS UNINSURED			
HB0532	2/13				BUSINESS & LABOR	
PISTORIA, PAUL G.			LIMITATION ON PENALTIES THAT MAY BE IMPOSED BY A PRIVATE PARKING SERVICE			
HB0541	2/22	3/21		CONCUR AS AMENDED		3/23
DARKO, PAULA A.			PARTY MULTIPLYING LEGAL PROCEEDINGS LIABLE FOR INCREASED COSTS			
HB0547	2/13	3/11		CONCUR		3/11
MILES, JOAN			REVISION OF LAW ON CERTAIN SEXUAL CRIMES			
HB0566	2/21	3/12		CONCUR		3/12
THOMAS, FRED			PROHIBIT INSTALLATION AND USE OF DIAL-UP SECURITY ALARM SYSTEMS			
HB0575	2/16	3/25		ADVERSE REPORT /as amended		3/25
KADAS, MIKE			INCREASED PENALTY FOR CERTAIN UNLAWFUL RESTRAINTS OF A CHILD			
HB0579	2/16	3/12		CONCUR AS AMENDED		3/21
WINSLOW, CAL			CERTIFICATION FOR VOLUNTARY ADMISSION OF MENTAL PATIENT TO STATE HOSPITAL			
HB0585	2/22	3/20	3/20	CONCUR AS AMENDED		3/23
GOULD, R. BUDD			REVISE SENTENCE REVIEW PROCEDURE			
HB0586	2/19	3/20		CONCUR		3/20
GOULD, R. BUDD			CONFISCATE AND DISPOSE OF INMATES' CONTRABAND			

CONSIDERATION OF HB 547: Representative Joan Miles, sponsor of HB 547, testified all this bill does is add the words "or both" in the section that talks about a person dealing with sexual assault to a fine, imprisonment, "or both." On page 2, we are dealing with the part of the statute that talks about sexual intercourse without consent. Page 3 talks about admissibility of evidence of the victim's past sexual conduct. They took it out and moved it to the other section dealing with all sexual crimes. By moving it there, that detailed information about the person's inquiry into the victim's past. She thinks that is an issue of fairness for both the defense and the prosecution. It is very clear what information is relevant and how it can be used.

PROPONENTS: Mike McGrath, Lewis and Clark County Attorney, testified on behalf of the Montana County Attorneys' Association. He explained this bill was drafted by the association. It is a very common defense tactic in the defense of civil crimes to put the victim or witness on trial. The statutes before the committee have already limited the inquiry into the victim's past. This statute would extend that prohibition to all sexual offenses. As a general rule, when they have a victim under the age of 16, they charge sexual assault as opposed to sexual intercourse without consent. It is easier to prove, the difference being the penetration factor. It is easier for the young children to talk about what happened to them. When they do that, it tends to open up the defense as to all types of tactics about what happened previously. That often leaves a lot of questions the defense cannot answer. This will reassure victims what they can expect will happen. The same is true with the prohibition about bringing up the victim's failure to cry out. Many agree that the best way to deal with the rape is for the victim not to cry out or fight. This prohibition recognizes that. It covers what is already covered under the sexual intercourse without consent statute and makes them apply to all sexual offenses. Gail Kline, representing the Women's Lobbyist Fund, presented written testimony in support of the bill (Exhibit 1).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Blaylock questioned whether in the rare case where someone were charged and was not guilty, if they have enough defense left to get a fair trial. Mr. McGrath responded yes. The courts have limited evidence from either side to evidence that is relevant to the crime charged. What the legislature is doing is defining what is relevant.

CLOSING STATEMENT: Representative Miles thought the statute does provide consistency as to what is and isn't relevant. It is clear when you

can use consent as a defense. The defense can use the consent defense when the accused believes the victim was over 16.

Hearing on HB 547 was closed.

ACTION ON HB 547: Senator Crippen moved HB 547 be recommended BE CONCURRED IN. The motion carried unanimously.

ACTION ON HB 644: Senator Crippen moved HB 644 be recommended BE CONCURRED IN. Senator Yellowtail stated he found the whole sentence to be very uncertain and would like it more specific somehow. Mr. Petesch pointed out there are some other statutes that refer to people certified by the Department of Institutions. At the current time, that is limited to clinical psychologists. The motion carried unanimously.

CONSIDERATION OF HB 781: Representative Gary Spaeth, sponsor of the bill, testified the prosecution can't appeal in every instance because there is a double jeopardy situation. At the lower court level, the defendant may appeal to the district court. That has been interpreted that only the defendant can appeal into the district court. He is carrying this bill at the request of the Attorney General's office. There is no right of appeal on behalf of the prosecution. The lower courts should be treated in the same way as the district courts are. We are trying to upgrade them, and we should give them the same type of responsibilities and the same powers of the parties as the district court. Double jeopardy does not come into the picture here. It is used in very limited instances.

PROPONENTS: Mark Murphy, Assistant Attorney General assigned to the County Prosecutors Service, testified the Attorney General and the County Attorneys' Association are supporting this bill. The case of Sanchez says the state cannot appeal. This bill corrects that. In the areas of drunk driving and misdemeanor possession of marijuana, all of the suppression motions have been heard in justice court, and the state cannot appeal; nor can it appeal in other areas where the justice courts make decisions concerning issues of law. Betty Wing, Deputy County Attorney from Missoula, testified the justices of the peace do not have to be attorneys and occasionally they make a decision to dismiss a case or suppress evidence. To her, it is frustrating not to be able to appeal those decisions.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 03/18/85

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

COMMITTEE ON Judiciary BILL NO H.B. 310 Stop Help Restraining Orde

VISITOR'S REGISTER HB 44, 300, 310 644, 717, 726, 7

NAME	REPRESENTING	Check One Support	Oppos
Caryl Wickes Borches	Montana Coalition Against Domestic Violence	HB 310	
Judi D. Olson	Victim of Domestic Abuse	HB 310	
[illegible]	Just Say No to Violence	HB 310	
Shannon Keller	Victim Domestic Violence	HB 310	
Kelly Chandler	Women's Lobbyist Fund	HB 310 HB 547 HB 44	
Paul Kim	Womens Lobbyist Fund	HB-44 HB-310 HB-547	
Tom Dahler	Mada		HB
Klaus d Stitt	Montana Legal Services Assn	(-H 71)	
Bill Fiscus	Department of Justice		HB76
Grant C. Rose	Mont Legal Services Assn.	310	
Liam Shaw	Dept. of Labor		
Cathy Campbell	MT Assn of Churches	HB 44	
Laurel Benson	Mental Health Assoc	HB 644	
Larry Majerus	Dept of Justice		HB7
Mark Murphy	A.G OFFICE	HB 781	
~~Jeanne HC~~ Buchanan	~~Missoula - Flathead Co. DUI Task Force~~	~~HB 726~~	HB 72
BETTY WING	MISSOULA COUNTY ATTY'S OFF		HB 7
Jim Jensen	MCT. MAGISTRATES ASSN	HB 310 65	
Alan Nicholson	TII Dept Justice - Helena		71
Marie Adrian	Counselor SB44	HB 547 HB 310	
Douglas Gist	Dedens Riedels for Parents (Pro)		HB 71
Bud Nix	" Hna.		(H) 71
Bill Leivers	"		AB 71
Mike McGrath	County Atty's Assoc	HB 547; 310	
Chris Compton	Highway Traffic Safety - Justice		726
Caryl Wickes Borches	Great Falls Community Core DUI Task Force, Team of Gt. Falls		HB72

(Please leave prepared statement with Secretary)

WOMEN'S LOBBYIST
FUND

Box 1099
Helena, MT 59624
449-7917

March 11, 1985

Testimony of the Women's Lobbyist Fund by Gail Kline before the Senate Judiciary Committee on HB 547

Mr. Chairman and other members of the Judiciary Committee:

For the record my name is Gail Kline, representing the Women's Lobbyist Fund (WLF), speaking in favor of HB 547.

This bill is in the interest of all Montanans, because sexual crimes cut across all social and economic lines.

Currently, a victim's past may only be excluded in the crime of sexual intercourse without consent. HB 547 extends this existing language to other sexual crimes such as sexual assault and incest.

HB 547 is needed to provide dignity and equal protection for victims of sexual crimes as guaranteed under our state constitution.

The WLF urges you to pass HB 547.

Thank you.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031185
BILL NO. HB 547

March 11 19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 547

third reading copy (blue color)

(Senator Mazurek)

REVISION OF LAW ON CERTAIN SEXUAL CRIMES

Respectfully report as follows: That HOUSE BILL No. 547

BE CONCURRED IN

XXXXXXX

XXXXXXXXXX

Senator Joe Mazurek Chairman.